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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,821	10/07/1999	PHILIP KELLER	52352-356	2466

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EXAMINER	
NGUYEN, DUNG X	

ART UNIT	PAPER NUMBER
2631	

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/413,821	Applicant(s) KELLER, PHILIP	
	Examiner Dung X Nguyen	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 8* is/are rejected.

7)☒ Claim(s) *9 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed April 26, 2004 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of the reference(s).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

3. **Claims 1 and 4 - 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Naidu et al. (US patent # 3,728,557), further in view of Wideman et al. (US patent # 6,272,325 B1).

Regarding claim 1, Naidu et al. discloses (figures 3a and 3b):

- Blocks 127_n and 132_n of figure 3b for setting voltage DC at the output terminal (column 4, line 44);
- Comparing circuit 130_n of both figures 3a and 3b (column 4, line 21) for comparing controlled value representing the DC voltage via control circuit 142_n of both figures 3a and 3b with predetermined reference level (column 4, lines 43 - 45).

Naidu et al. differs from the instant claimed invention that it does not show the step of controlling output driver until it is equal to a predetermined threshold level.

However, Wideman et al. discloses that output driver from blocks 42, 42A controlled by RF controller (43) of figure 2 to be equal to threshold level (column 2, lines 14 – 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Naidu et al. and Wideman et al. to ensure output of the transmit signal being equal to the threshold level for improving the communication system.

Regarding claim 4, as followed by the limitations analyzed in claim 1, Naidu et al. and Wideman et al. differs from the instant claimed invention that it does not show wherein the output driver being controlled to establish an output driver level required by the HPNA specification.

However, setting the output level for any requirement is depending on hand of one of ordinary skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Naidu et al. and Wideman et al. to show wherein the output driver being controlled to establish an output drive level required by the HPNA specification for fulfilling the limitations of the instant claimed invention without effort.

Regarding claim 5, Naidu et al. discloses (figures 3a and 3b):

- Gain controller (block 142_n of figure 3a) for supplying the transmit signal (127_n) to the output signal (129_n) (column 3, line 62 to column 4, line 10); from that, one of ordinary skill in the art at can supply transmit signal from a prescribed user because the transmit signal can be from anywhere and the output signal (129_n) can be any level including a predetermined threshold;

- Gain controller (block 142_n of figure 3a) for comparing a DC level set by blocks 127_n and 132_n of both figures 3a and 3b at the output driver (column 4, line 44) with predetermined reference level (column 4, lines 43 - 45).

While Wideman et al. discloses that output driver from blocks 42, 42A controlled by RF controller (43) of figure 2 to be equal to threshold level (column 2, lines 14 – 19), which means of maintaining the transmit signal at the threshold level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Naidu et al. and Wideman et al. so as to ensure the transmit signal maintaining at the predetermined reference level (prescribed level).

Regarding claim 6, as followed by the limitations analyzed in claim 5, Naidu et al. further discloses that the gain controller (block 142_n of figure 3a) corresponding to the output drive control system (figures 3a and 3b) comprises a comparator circuit (130_n) for comparing a controlled signal representing the DC level by blocks 127_n and 132_n of both figures 3a and 3b set at the output with the predetermined reference level) (column 3, line 62 to column 4, line 45).

Regarding claim 7, as followed by the limitations analyzed in claim 6, Naidu et al. further discloses that the gain controller (block 142_n of figure 3a) corresponding to the output drive control system (figures 3a and 3b) comprises a gain controller (block 142_n of figure 3a) corresponding to the output drive control system responsive to the comparator circuit (130_n) for comparing a controlled signal representing the DC level by blocks 127_n and 132_n of both figures 3a and 3b set at the output with the predetermined reference level (column 3, line 62 to column 4, line 45).

While Wideman et al. discloses that output driver from blocks 42, 42A controlled by RF controller (43) of figure 2 to be equal to threshold level (column 2, lines 14 – 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Naidu et al. and Wideman et al. so as to ensure the transmit signal maintaining at the predetermined reference level (prescribed level).

Regarding claim 8, as followed by the limitations analyzed in claim 7, Naidu et al. further discloses the input circuitry (block 102_n of figure 3a) for receiving an incoming signal.

Naidu et al. differs from the instant claimed invention that it does not state that the input receiving signal from the residential wiring.

However, the input signal can be from anywhere including a residential wiring if one has an input circuitry to receive it.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Naidu et al. and Wideman et al. so as to ensure the transmit signal from the residential wiring.

4. **Claim 2 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Naidu et al. (US patent # 3,728,557), Wideman et al. (US patent # 6,272,325 B1), further in view of Jung et al. (US patent #5,867,097).

Regarding claim 2, as followed the limitations analyzed in claim 1, Naidu et al. and Wideman et al. differ from the instant claimed invention that they do not show wherein the output driver is controlled during initialization of the transceiver.

However, Jung et al. teaches that wherein the output driver is controlled during initialization of the transceiver (column 2, lines 54 to column 3, line 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Naidu et al., Wideman et al., and Jung et al. so as to ensure the output being controlled during the initialization of the transceiver for improving the communication system.

5. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Naidu et al. (US patent # 3,728,557), Wideman et al. (US patent # 6,272,325 B1), further in view of Lee et al. (US patent # 6,615,301 B1).

Regarding claim 3, as followed the limitations analyzed in claim 1, Naidu et al. and Wideman et al. differ from the instant claimed invention that they do not show the step of controlling output driver for a high power level and a low power level.

However, Lee et al. teaches that wherein the output driver is controlled a high power level and low power level set at the output terminal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Naidu et al., Wideman et al., and Lee et al. to ensure that the output driver is controlled a high power level and low power level set at the output terminal for improving the communication system.

Allowable Subject Matter

5. **Claims 9 and 10 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Ghayour Mohammad H. can be reached on (703) 306-3034. The fax number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DXN
May 22, 2004

JEAN B. CORRIELUS
PRIMARY EXAMINER
6/9/04